

REMARKS

Claims 1-20 are pending in this application. By this Amendment, claims 1, 8, 15 and 19 are amended. Support for these amendments can be found in the specification as originally filed, for example, at page 25, line 21 through page 26, line 9, and in original claims 1-20. No new matter is added by these amendments.

I. Claim Rejections Under 35 U.S.C. §112

The Office Action rejects claims 1-20 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. While Applicants do not necessarily agree with this rejection, independent claims 1, 8, 15 and 19 are amended herein to more clearly reflect the disclosures of the specification. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

II. Claim Rejections Under 35 U.S.C. §102 and §103

The Office Action rejects claims 1-4, 8-12, 15, 16 and 18-20 under 35 U.S.C. §102(b) or, in the alternative, under 35 U.S.C. §103(a) over the English-language machine translation of Japanese Patent Application Publication No. JP 06-013108 to Kajiwara et al. The Office Action also rejects claims 5, 6 and 14 under 35 U.S.C. §103(a) over Kajiwara. Applicants respectfully traverse these rejections.

Kajiwara discloses a non-electrolyte batter that includes a solution of a lithium salt dissolved in a phosphazene derivative. *See* Kajiwara, Abstract. The Kajiwara phosphazene derivative may be of the formula $(NPR_2)_n$, where n is 3-15. *See* Kajiwara, paragraph [0016]. Based on these teachings, the Office Action takes the position that Kajiwara anticipates or would have rendered obvious claims 1-4, 8-12, 15 16 and 18-20 and also takes the position that Kajiwara would have rendered claims 5, 6 and 14 obvious. Applicants respectfully disagree.

Independent claims 1, 8, 15 and 19 each set forth, in pertinent part, a non-aqueous electrolyte cell comprising a "non-aqueous electrolyte that contains ... a phosphazene derivative ... ; wherein the phosphazene derivative is represented by ... Formula (2) $(\text{PNR}^4_2)_n$ wherein R^4 represents a halogen atom; and n falls between 3 and 15." Claims 2 and 3 depend from claim 1 and include all of the limitations thereof. Claims 9-14 depend from claim 8 and include all of the limitations thereof. Claims 16-18 depend from claim 15 and include all of the limitations thereof. Claim 20 depends from claim 19 and includes all of the limitations thereof.

In each of the independent claims, R^4 in the phosphazene derivative of formula (2) must be a halogen element. Contrary to the assertions of the Office Action, Kajiwara does not teach, nor does it support that its phosphazene derivative is of the formula $(\text{NPHalogen}_2)_n$. Instead, Kajiwara teaches that a chlorinated phosphazene derivative, $(\text{NPCl}_2)_n$, may be a precursor of its cyclic phosphazene derivatives. *See* Certified partial Translation of Japanese Patent Application Publication No. 06-013108 to Kajiwara et al., paragraph [0016] (attached). Specifically, Kajiwara teaches that the chlorine atoms in $(\text{NPCl}_2)_n$ are replaced by substituents R, which may be oxygen atoms, carbon atoms, or other monovalent organic groups, to form its cyclic $(\text{NPR}_2)_n$ phosphazene derivatives. *Id.* That is, Kajiwara teaches phosphazene derivatives of the formula $(\text{NPCl}_2)_n$ only as precursors of other, non-halogenated phosphazene derivatives, and does not teach or suggest the incorporation of halogenated phosphazene derivatives into its electrolyte cells. Thus, Kajiwara does not teach, nor does it suggest, a non-aqueous electrolyte cell comprising a "non-aqueous electrolyte that contains ... a phosphazene derivative ... ; wherein the phosphazene derivative is represented by ... Formula (2) $(\text{PHR}^4_2)_n$ wherein R^4 represents a halogen atom," as required by independent claims 1, 8, 15 and 19.

For at least the above reasons, claims 1, 8, 15 and 19, and their independent claims 2-7, 9-14, 16-18 and 20, are patentable of Kajiwara. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-20 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:JMS/jms

Attachment:

Certified partial Translation of Japanese Patent
Application Publication to Kajiwara et al. (paragraphs [0015]-[0017])

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